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September 18, 2007

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2007 SEP 19 P 2:26

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, DC 20463

AOR 2007-23

Dear Sirs:

I represent the Independence Party of New York. We are currently attempting to register with the Federal Election Commission as a Party Committee. It is at your staff request that we seek this advisory opinion pursuant to *2 U.S.C. 437, et.seq.* and *11 CFR 112, et. seq.*

At the outset, I note that both the Republican and Democratic Parties in New York State have Party Committee Federal Accounts. It is the Independence Party's intention to establish a similar account.

Under New York Election Law a Party is established when it receives over 50,000 votes cast for its candidate for governor in the general election. (New York State Election Law §1-102(3), McKinneys 2007). This accords the party ballot status, that is, the Independence Party has a ballot line in every general election in this State, exactly similar to the Republicans and Democrats.

The Party has achieved this status four consecutive times since its founding in 1992, in the gubernatorial elections of 1994, 1998, 2002 and 2006 (voting results attached). The party has received the third highest vote total the last three times and is

recognized on row/column "C" in this state (New York State Election Law, § 7-116, McKinneys 2007).

Therefore, candidates of the Independence Party, whether they be for Village, Town, County, City, Assembly, State Senate, Statewide, Congress, Elector of President of the United States or U.S. Senate are nominated through the committee or primary pursuant to Article 6, §§6-100, 6-102, 6-104, 6-106, 6-108, 6-1106-114, 6-116, 6-118, 6-124, 6-126, 6-130, 6-132, 6-134 and 6-136 of the New York State Election Law (McKinneys 2007), exactly the same as the Republican and the Democratic Party's nominees for those offices. Those nominees are guaranteed a place on the ballot in November (see, Articles 6 and 7 New York State Election Law, McKinneys 2007)

The Independence Party has State Committee members elected in 50 of the 62 Counties and over 140 Assembly Districts in New York State. There are in excess of 350 members of the State Committee. The Committee functions with quarterly meetings and is extremely active. The next meeting of the State Committee is set for this Sunday, September 23, 2007 and over 90 % of its membership will attend. It has Constituted County Committees under Article 2 of the New York State Election Law (McKinneys 2007) as have the Republicans and the Democrats. Therefore it functions in the same way as the larger parties do in this state.

The Party has elected nominees to public office throughout the State, ranging from Village and Town offices to a State Assemblyman. We are the only party other than the Republicans and the Democrats with an enrolled member in the State House.

Because we are recognized as an established party under state law, voters are able to "enroll" or affiliate with the party as voting members for the primary elections (Article 5, Title III, New York State Election Law, McKinneys 2007). The party has the third largest enrollment in New York, trailing only the Democrats and the Republicans (April 7, 2007 state enrollment totals attached.).

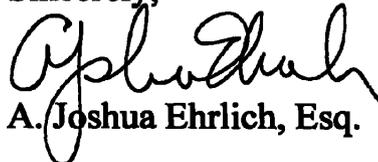
We are in the process of raising monies for the Federal Account to support the Party's Federal candidates on all levels. This includes whomever the State Party would choose as its Presidential standard bearer. We intend to be active in the 2008 elections as we have the ballot line guaranteed for the Party's candidates.

For further information on the Party, there is a Wikipedia listing that is not entirely accurate but covers some of the past history. The State Committee now controls all authorizations for nominations for offices smaller than New York City-Wide in New York City.

In summary, we function in the same manner as the Republicans and the Democrats in the State of New York and wish to have the same rights and privileges that they possess with their party accounts.

I can be contacted at the above address and phone number. I thank the Commission and Counsel's office for their time and consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Joshua Ehrlich". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

A. Joshua Ehrlich, Esq.

Please note that all statistical data was supplied by the New York State Board of Elections and is available on their website.



**INDEPENDENCE PARTY
- OF NEW YORK**

**Vote Cast for Governor and Lieutenant Governor
by Party of Candidates
New York State by County -- November 8, 1994**



New York State Total

All Votes Cast.....	5,325,323
Cuomo/Lundine - Democrat.....	2,272,903
Pataki/McCaughey - Republican.....	2,156,057
Pataki/McCaughey - Conservative.....	328,605
Walsh/Sutton - Right to Life.....	67,750
Cuomo/Lundine - Liberal.....	92,001
Pataki/McCaughey - Tax Cut Now.....	54,040
Lane/Bockman - Socialist Workers.....	5,410
Golisano/Fusco - Independence Fusion...	217,490
Schulz/Dworkin - Libertarian.....	9,506
Blank Void or Scattering.....	121,561



New York City Subtotal

All Votes Cast.....	1,576,160
Cuomo/Lundine - Democrat.....	1,007,747
Pataki/McCaughey - Republican.....	368,788
Pataki/McCaughey - Conservative.....	42,981
Walsh/Sutton - Right to Life.....	9,943
Cuomo/Lundine - Liberal.....	52,316
Pataki/McCaughey - Tax Cut Now.....	11,238

actions Governor Election Returns Nov. 3, 1988

Party	Independent	Liberal	Right To Life	Marquette Reform	Unity	Green	Socialist	Working Families	Libertarian	Total	Percentage
Ballot Position	Ballot Position	Ballot Position	Ballot Position	Ballot Position	Ballot Position	Ballot Position	Ballot Position				
7,882	13,321	2,580	1,118	718	87	3,775	84	748	80	3,888	118.78
1,882	1,880	220	380	71	18	88	7	31	12	887	14.87
4,880	8,376	828	821	387	88	887	38	270	78	3,887	78.88
2,824	1,881	417	787	170	28	171	18	182	82	888	28.18
2,878	1,877	280	311	128	44	288	28	110	28	1,178	28.88
3,383	2,883	838	787	228	88	288	18	188	27	1,878	43.84
2,818	2,788	188	382	78	21	142	8	32	8	722	28.38
1,282	1,187	188	148	77	17	182	8	34	13	838	18.48
2,848	1,484	188	228	118	34	137	14	118	22	888	28.28
2,818	1,880	488	182	124	34	817	3	120	13	782	22.88
1,287	1,281	184	147	83	17	218	8	84	11	847	18.28
1,888	888	212	184	78	28	213	18	77	18	741	18.87
7,888	3,822	1,238	1,138	388	87	848	38	484	118	1,878	78.38
28,888	84,848	8,842	8,833	1,871	718	3,383	178	4,888	288	18,818	323.82
1,148	877	184	188	81	18	118	8	43	14	887	14.44
818	1,884	188	188	88	18	88	8	38	11	883	13.81
1,788	1,828	287	188	47	28	218	8	88	8	488	18.82
1,228	3,883	388	488	88	13	111	8	81	18	888	18.28
1,888	1,882	218	282	143	22	381	8	78	18	488	17.88
318	213	41	48	15	8	28	8	8	3	84	3.88
2,114	1,818	188	287	78	24	287	8	82	14	888	21.88
2,817	2,788	288	842	181	18	188	11	48	18	788	27.88
877	788	81	188	28	11	88	3	18	7	381	8.83
1,888	8,418	318	288	118	21	144	8	88	17	888	28.48
2,884	1,731	261	318	118	28	288	8	88	28	888	21.88
18,182	78,888	2,871	3,147	772	284	2,888	87	822	227	8,878	243.17
1,878	1,878	288	188	78	18	187	11	81	18	1,884	17.82
31,888	13,884	8,188	8,882	1,227	388	2,773	78	2,888	288	11,823	434.82
8,373	8,188	1,188	1,448	448	188	887	23	743	42	2,887	78.28
7,228	8,177	838	1,272	248	48	1,182	28	278	42	2,888	78.81
18,888	18,844	1,748	1,888	884	148	2,883	87	888	118	3,187	183.88
2,382	8,882	488	388	182	38	182	13	88	38	738	32.82
7,888	3,888	1,348	1,488	488	88	1,178	27	388	127	2,777	88.37
888	2,438	111	188	81	13	88	2	38	12	322	11.81
3,788	3,888	421	388	178	81	418	18	112	81	1,881	34.78
1,883	1,282	288	171	88	33	483	11	88	24	888	18.42
4,218	1,238	378	348	188	28	288	8	188	38	784	38.88
8,888	8,888	848	738	282	88	1,828	28	248	78	1,412	88.48
8,882	3,187	1,432	888	382	121	888	38	818	71	3,323	87.87
2,811	2,882	388	287	188	37	348	12	128	38	1,484	38.87
8,888	8,882	1,287	834	383	78	1,411	28	183	88	1,784	78.22
4,888	8,883	1,184	888	281	42	1,128	21	188	48	2,234	88.24
1,283	878	178	114	88	12	188	11	38	12	288	18.88
818	818	88	84	38	8	73	3	31	3	281	8.18
888	1,488	121	128	48	21	78	8	28	7	388	18.88
1,888	3,121	228	818	137	18	131	8	48	14	1,887	28.84
28,284	24,788	8,888	7,118	1,433	488	2,844	112	1,882	381	8,387	877.31
1,818	888	388	243	141	22	287	8	88	42	877	21.87
1,287	1,888	188	323	77	38	113	8	48	18	488	18.84
1,882	2,278	838	218	224	81	828	22	784	83	1,148	28.88
8,823	2,784	1,182	788	828	87	1,884	48	487	188	2,388	81.87
1,888	1,847	817	227	131	38	288	8	48	12	888	21.11
1,744	1,323	388	288	78	28	238	17	48	13	888	18.13
2,888	7,887	428	488	82	22	178	4	47	17	842	27.83
21,221	18,322	4,888	2,888	1,138	447	2,828	88	1,848	328	11,812	278.71
1,888	1,784	148	484	82	28	88	8	84	18	848	13.28
884	1,242	188	74	24	13	32	18	38	17	188	7.88
288,488	328,432	82,188	48,888	18,888	4,234	38,882	1,311	28,837	3,288	113,888	3,481.17
8,784	3,812	2,883	1,182	888	848	828	173	2,322	178	28,387	218.48
18,888	8,888	8,331	1,888	2,888	2,888	3,844	482	18,383	388	47,718	437.48
7,288	11,473	18,188	1,284	3,887	1,148	4,472	381	13,278	827	28,888	381.81
28,314	8,822	8,488	2,488	1,784	1,188	2,878	282	3,788	388	28,874	381.87
8,827	2,321	1,322	848	484	142	824	88	744	81	3,883	88.88
88,322	34,824	28,888	7,887	8,138	8,488	12,841	1,228	28,488	1,432	137,888	1,884.78
288,727	384,888	77,918	88,883	24,788	8,882	82,833	2,838	81,328	4,722	288,888	4,888.88

NYS Board of Elections Governor Election Returns Nov. 5, 2002

RECAP	2,262,255	1,534,064	654,016	15,761	44,195	41,797	21,977	5,013	Working Families	Marijuana Reform	Libertarian			
County	Republican	Democratic	Independence	Conservative	Liberal	Right To Life	Green							
	Pataki	McCall	Collisano	Pataki	Cuomo	Cronin	Aronowitz	McCall	Leighton	Jeffrey	Blk. Void	Total		
	Donohue	Mehiel	Donohue	Donohue	King	Vogel	Daniels	Mehiel	Hillgardner	Greco	Scattering			
Albany	41,608	43,165	17,101	4,196	313	901	1,225	2,583	722	130	1,735	113,679		
Allegany	7,613	1,991	2,683	521	34	198	96	51	64	23	510	13,782		
Broome	30,223	11,593	17,478	2,176	208	425	746	1,363	267	75	2,050	66,804		
Cattaraugus	11,257	4,182	4,287	1,143	55	355	139	120	117	18	574	22,247		
Cayuga	12,850	5,230	4,593	1,363	72	228	228	167	123	36	847	25,749		
Chautauqua	20,720	8,082	5,747	2,149	107	341	170	241	221	32	683	38,493		
Chemung	15,257	4,471	4,018	1,141	68	216	183	148	89	9	516	26,116		
Chenango	8,028	2,421	2,597	648	40	115	225	108	74	23	303	14,562		
Columbia	15,807	3,368	1,550	1,506	100	151	145	137	130	18	838	23,650		
Cortland	10,647	8,180	3,091	1,348	82	160	484	274	234	30	540	23,040		
Cortland	7,152	3,352	2,393	699	35	116	208	170	69	11	245	14,450		
Delaware	8,470	2,767	2,320	669	84	134	220	111	143	24	580	15,492		
Dutchess	40,789	17,918	10,671	3,500	176	1,015	729	688	461	78	1,323	77,348		
Erle	117,856	80,215	68,702	12,721	919	4,791	1,831	5,145	1,634	352	7,855	301,921		
Essex	9,328	1,729	1,183	1,222	56	103	108	66	14	99	779	14,686		
Franklin	8,032	1,958	993	598	86	105	88	51	56	10	676	12,619		
Fulton	8,305	2,967	3,301	707	49	146	61	88	92	19	332	16,067		
Genesee	8,621	2,444	5,402	967	42	223	81	109	86	22	361	18,358		
Greene	8,393	3,145	2,625	970	38	186	129	136	164	14	370	16,170		
Hamilton	1,586	532	483	154	7	32	8	18	27	2	58	2,907		
Herkimer	10,742	3,084	4,140	1,082	57	188	97	94	114	23	484	20,113		
Jefferson	16,277	3,813	4,414	1,339	91	179	82	84	74	7	667	27,027		
Lewis	5,384	1,325	1,662	439	24	86	27	45	47	11	367	9,347		
Livingston	7,998	3,510	7,066	759	46	187	140	141	140	19	334	20,320		
Madison	9,387	4,037	4,493	1,006	60	236	164	169	113	18	352	20,035		
Monroe	72,885	55,849	67,967	8,225	607	1,820	1,929	2,485	1,163	269	3,492	236,691		
Montgomery	8,418	3,251	3,573	887	66	153	65	95	93	24	1,035	17,640		
Nassau	217,888	95,839	35,880	14,897	1,168	5,574	1,572	4,326	1,434	253	5,897	384,408		
Niagara	29,265	12,113	18,278	2,740	193	916	210	883	401	54	2,142	67,165		
Oneida	38,441	13,143	14,274	3,745	243	940	251	576	358	67	1,542	71,580		
Onondaga	67,986	37,064	27,459	6,728	561	1,366	1,239	2,046	763	123	2,681	147,986		
Ontario	14,170	5,348	11,478	1,310	69	247	297	164	251	23	754	34,111		
Orange	49,479	17,383	11,914	4,471	191	1,251	695	483	451	73	1,730	88,121		
Orleans	4,957	1,505	3,969	469	32	99	46	63	44	8	176	11,268		
Oswego	15,701	6,584	7,111	1,892	125	284	147	242	172	28	750	32,836		
Otsego	9,141	3,946	2,824	705	66	175	353	163	219	31	476	18,099		
Putnam	18,284	4,076	3,217	1,744	91	359	240	208	199	27	546	28,961		
Rensselaer	23,957	14,758	9,908	3,163	147	601	512	733	422	62	1,184	55,447		
Rockland	48,819	20,737	7,557	4,206	280	649	589	1,317	398	72	1,927	85,551		
St. Lawrence	18,378	6,942	3,621	1,257	118	188	145	192	160	19	1,250	31,348		
Saratoga	35,541	16,292	12,448	3,256	162	659	735	589	569	80	1,236	71,567		
Schenectady	21,646	13,794	10,116	2,555	130	546	410	584	345	52	1,399	51,537		
Schoharie	5,216	2,225	2,141	515	23	121	109	71	113	13	244	10,791		
Schuyler	3,174	993	989	361	20	57	121	50	32	5	197	5,999		
Seneca	5,484	1,912	2,270	485	39	79	81	74	82	10	210	10,726		
Stauben	16,362	3,312	5,721	1,141	84	290	232	107	123	22	733	28,147		
Suffolk	192,765	79,932	51,288	16,596	1,366	5,589	1,978	2,844	1,512	348	8,072	362,280		
Sullivan	10,478	4,809	3,133	803	89	228	170	140	163	18	551	20,548		
Tioga	8,685	2,262	3,459	676	46	131	172	134	63	16	215	16,059		
Tompkins	10,366	9,668	3,338	639	118	180	1,418	1,229	425	58	803	26,192		
Ulster	27,280	14,620	9,205	2,521	215	511	1,318	947	709	122	1,124	58,572		
Warren	10,897	4,684	3,182	1,067	58	188	143	147	155	14	548	21,083		
Washington	8,661	3,646	3,012	830	44	160	162	121	151	22	384	17,183		
Wayne	11,353	4,017	10,169	1,200	84	248	152	154	143	35	363	27,898		
Westchester	129,985	78,719	23,113	10,364	1,153	2,200	1,982	3,380	1,297	265	5,666	258,104		
Wyoming	6,374	1,948	3,299	557	26	238	41	86	72	14	283	12,938		
Yates	3,490	1,272	1,768	281	14	75	77	47	63	7	131	7,235		
Total Outside NYC	1,585,594	764,912	580,454	143,997	10,347	36,861	25,163	36,976	17,820	3,339	71,310	3,275,873		
Bronx	54,442	118,463	7,893	4,158	450	822	734	4,567	308	117	8,221	198,195		
Kings	133,167	209,739	16,787	8,679	1,045	1,655	5,674	20,301	1,077	412	11,373	409,909		
New York	113,199	182,795	19,743	4,864	2,446	916	7,415	19,306	1,838	770	9,185	362,277		
Queens	144,854	152,452	21,556	10,745	1,149	3,219	2,402	8,294	735	312	10,038	355,756		
Richmond	54,151	17,170	7,583	5,505	324	722	409	1,069	199	63	1,763	66,958		
Total NYC	499,813	678,919	73,862	33,751	5,414	7,334	16,834	63,557	4,157	1,674	40,580	1,415,995		
STATEWIDE TOTAL	2,085,407	1,443,531	654,016	176,848	15,761	44,195	41,797	90,533	21,977	5,013	111,890	4,690,968		

NYS Board of Elections Governor Election Returns Nov. 7, 2006

County	RECAP											Total
	1,274,335		3,086,709		42,166		14,736		13,355		5,919	
	Republican	Democratic	Independence	Conservative	Working Families	Green	Libertarian	Rent Is Too High	Socialist Workers	Bk., Verd Scapling		
	Faso Vanderhoof	Spitzer Paterson	Spitzer Paterson	Vanderhoof	Faso Spitzer	McCourt Duncan	Clifton Silberer	McMillan N/A	DeLuca O'Shaughnessy			
Albany	23,153	71,200	5,519	3,695	3,381	1,194	347	179	134	2,597	111,509	
Allegany	5,846	5,783	535	729	250	132	54	50	30	903	14,312	
Broome	19,221	36,414	2,559	1,723	1,710	613	224	136	86	2,302	64,988	
Cattaraugus	9,311	9,667	876	1,482	448	194	88	84	52	1,061	23,283	
Cayuga	7,670	16,338	1,318	1,230	793	224	89	45	71	1,930	28,708	
Chautauqua	14,208	17,293	1,624	2,402	573	243	140	119	76	1,567	38,446	
Chemung	5,997	14,820	1,039	904	482	149	80	57	54	1,502	27,714	
Chenango	5,619	7,504	635	409	382	204	89	39	33	685	15,599	
Clinton	7,031	13,031	1,342	828	549	151	87	100	80	1,887	24,838	
Columbia	8,178	12,134	1,305	1,469	743	222	88	35	39	804	25,015	
Cortland	4,705	7,977	688	582	515	189	58	36	20	525	15,276	
Delaware	5,859	7,113	680	484	248	188	51	38	32	779	15,300	
Dutchess	25,356	45,432	3,655	3,739	1,695	961	352	245	112	4,092	85,539	
Erie	76,656	162,183	14,568	19,183	11,175	2,500	989	859	484	14,230	292,787	
Essex	4,844	6,357	742	317	237	96	38	49	27	1,189	13,906	
Franklin	3,918	6,523	634	270	178	99	36	24	20	772	12,774	
Fulton	5,207	7,627	817	633	309	79	57	39	28	739	16,535	
Genesee	7,559	7,513	867	1,420	388	129	87	52	38	967	19,270	
Greene	7,108	7,311	793	1,098	354	180	77	44	32	864	17,831	
Hamilton	1,288	1,066	111	118	50	25	15	4	7	174	2,845	
Herkimer	6,902	10,103	933	709	374	125	74	56	52	1,310	20,638	
Jefferson	7,889	13,625	1,589	822	434	140	85	71	59	1,825	28,350	
Lewis	2,856	3,642	324	283	93	37	31	23	9	449	7,747	
Livingston	7,406	9,708	921	1,042	442	204	113	33	38	854	20,758	
Madison	6,533	11,731	1,257	1,153	472	184	92	52	31	871	22,396	
Monroe	61,798	133,034	11,112	13,216	5,537	1,726	989	439	267	8,020	236,108	
Montgomery	4,328	7,562	834	686	303	88	55	40	27	728	14,640	
Nassau	108,178	214,680	12,001	14,392	7,791	2,296	1,007	721	325	17,585	379,853	
Niagara	20,736	32,183	2,869	4,324	2,425	384	180	168	115	3,041	68,395	
Oneida	22,730	35,728	3,922	2,502	2,093	410	222	224	106	5,808	75,545	
Onondaga	38,205	92,473	7,907	7,075	4,289	1,597	472	353	233	5,230	157,824	
Ontario	11,438	19,011	1,629	1,769	659	229	152	66	30	1,114	34,997	
Orange	25,958	51,368	3,594	3,938	1,508	685	288	278	128	4,823	82,874	
Orleans	4,575	4,530	455	753	256	73	62	39	28	604	11,378	
Oswego	9,664	17,416	1,511	1,575	748	335	144	104	57	1,495	33,452	
Otsego	6,150	10,144	824	531	499	294	88	47	26	861	19,434	
Putnam	10,050	18,065	1,721	1,821	788	359	108	73	54	2,342	32,349	
Rensselaer	14,389	30,318	3,953	2,818	1,699	499	196	128	69	2,403	56,451	
Rockland	24,968	44,267	3,384	3,891	1,893	680	219	178	112	4,109	83,649	
St. Lawrence	5,112	10,956	1,312	832	609	188	107	90	66	1,844	29,728	
Saratoga	25,897	43,559	4,703	3,369	1,853	614	305	124	112	3,450	84,107	
Schenectady	13,363	29,375	3,297	2,475	1,277	411	190	116	72	1,936	52,815	
Schoharie	4,556	4,516	516	625	197	106	28	35	18	391	11,288	
Schuyler	2,315	2,905	246	199	186	72	18	19	6	473	6,419	
Seneca	3,232	5,721	514	391	276	79	47	35	17	414	10,728	
Stauben	12,082	13,169	1,112	778	513	218	121	82	36	1,822	29,901	
Suffolk	107,699	196,370	19,335	16,872	7,748	2,908	1,066	732	541	14,218	367,489	
Sullivan	5,233	11,775	1,060	828	379	239	70	60	41	1,343	21,018	
Tioga	6,412	7,849	605	429	289	131	54	36	21	580	16,408	
Tompkins	6,533	18,225	962	484	2,025	537	155	86	45	1,291	30,415	
Ulster	14,922	35,589	3,401	2,393	1,881	1,226	325	196	120	2,767	62,780	
Warren	7,531	12,181	1,305	828	457	247	84	69	26	1,597	24,403	
Washington	6,212	9,366	1,024	812	432	181	84	45	30	1,189	19,355	
Wayne	8,942	12,329	1,169	1,709	504	185	114	67	32	1,103	27,134	
Westchester	66,884	161,339	10,661	8,099	5,246	2,296	867	948	323	17,927	274,690	
Wyoming	5,722	5,181	488	937	281	82	48	42	17	711	13,509	
Yates	2,622	3,793	342	304	148	50	33	14	16	351	7,873	
Total Outside NYC	958,191	1,802,041	183,779	147,757	80,963	27,752	11,297	5,103	4,693	155,900	3,345,376	
Bronx	13,649	136,952	4,121	2,489	6,968	912	286	1,022	239	20,855	186,383	
Kings	34,518	250,669	9,981	5,361	26,612	4,368	834	1,601	384	33,894	368,512	
New York	31,884	274,989	10,999	2,574	27,408	5,954	1,397	1,438	359	21,346	378,328	
Queens	43,576	231,327	8,823	6,508	10,920	2,559	714	975	212	24,827	330,541	
Richmond	26,483	46,496	2,958	3,955	2,413	631	208	216	52	3,915	85,827	
Total NYC	149,490	836,823	36,882	20,897	74,221	14,414	3,439	5,252	1,226	104,847	1,349,481	
STATEWIDE TOTAL	1,108,681	2,740,864	190,661	168,654	155,184	42,166	14,736	13,355	5,919	260,647	4,694,857	



NYSVoter Enrollment Statistics

April 1, 2007

County	Region OUTSIDE NEW YORK CITY										Total
	Democratic	Republican	Independence	Conservative	Working Families	Green	Libertarian	Rent Is Too High	Socialist Workers Party	Blank	
Albany	94,003	45,558	7,891	2,962	594	836	26	0	0	43,083	194,951
Allegany	7,063	14,649	949	400	132	92	0	0	0	4,785	28,071
Broome	44,217	48,888	4,572	1,472	525	585	36	0	0	22,374	122,661
Cattaraugus	17,220	20,429	1,747	1,043	209	146	5	0	0	9,865	50,664
Cayuga	16,886	20,193	2,139	1,375	174	192	6	0	0	10,275	51,241
Chautauque	31,335	31,141	4,669	2,026	339	284	20	0	0	20,831	90,641
Chemung	17,061	23,593	2,373	607	195	152	7	0	0	10,149	54,131
Chenango	8,175	14,442	1,310	478	141	169	9	0	0	6,586	31,311
Clinton	18,156	17,420	2,510	439	151	234	9	0	0	11,605	50,521
Columbia	13,241	14,363	2,427	1,386	170	284	15	0	0	12,515	44,401
Cortland	9,187	11,632	1,248	436	115	136	1	0	0	6,697	29,451
Delaware	8,007	14,101	1,160	485	89	152	2	0	0	5,597	29,581
Dutchess	52,939	57,112	7,030	3,381	541	640	38	0	0	47,720	169,401
Erie	331,011	186,825	21,979	13,766	2,528	2,070	74	0	0	117,292	675,541
Essex	6,566	13,719	1,478	198	46	109	3	0	0	4,825	26,941
Franklin	9,968	10,639	1,292	318	79	107	6	0	0	4,986	27,391
Fulton	7,499	17,609	1,151	402	106	81	4	0	0	4,971	31,821
Genesee	9,610	16,598	1,383	840	144	96	10	0	0	7,541	36,221
Greene	7,128	13,613	1,274	835	93	103	2	0	0	7,910	30,951
Hamilton	1,051	3,347	150	50	3	13	1	0	0	587	5,201
Herkimer	10,907	20,646	1,817	508	111	102	3	0	0	6,594	40,681
Jefferson	16,865	26,988	2,497	770	186	139	6	0	0	12,232	59,681
Lewis	4,490	9,459	550	230	40	38	3	0	0	2,489	17,291
Livingston	10,984	18,278	1,567	764	118	164	13	0	0	8,691	40,571
Madison	11,415	18,497	2,271	822	179	183	3	0	0	9,445	42,811
Monroe	166,520	148,302	14,725	7,996	1,175	1,519	134	0	0	106,862	447,231
Montgomery	11,014	11,942	1,273	611	102	77	4	0	0	6,300	31,321
Nassau	325,565	350,502	21,538	9,705	1,833	1,455	54	0	0	198,631	909,281



NYSVoter Enrollment Statistics

April 1, 2007

Region	OUTSIDE	NEW YORK CITY	Democratic	Republican	Independence	Conservative	Working Families	Green	Libertarian	Rent is too Hi	Socialist Workers Party	Blank	Tota:
Niagara	57,451	47,969	4,443	2,645	759	397	10	0	0	0	0	22,986	136,661
Oneida	43,188	52,404	5,141	1,560	293	236	0	0	0	0	0	22,959	125,787
Onondaga	98,400	98,266	11,187	4,707	1,241	1,134	75	0	0	0	0	75,395	290,401
Ontario	19,623	28,743	2,870	1,201	159	290	11	0	0	0	0	15,337	68,234
Orange	67,438	76,352	7,228	3,532	582	707	13	0	0	0	0	45,139	200,997
Orleans	6,263	12,165	851	480	133	65	6	0	0	0	0	5,521	25,484
Oswego	19,549	38,480	3,197	1,732	303	228	7	0	0	0	0	16,437	79,934
Otsego	10,876	14,856	1,568	428	126	229	1	0	0	0	0	7,506	35,594
Putnam	17,250	22,778	2,522	2,241	145	189	9	0	0	0	0	15,919	61,054
Rensselaer	29,038	29,553	5,955	5,135	1,015	437	30	0	0	0	0	33,521	104,684
Rockland	79,423	44,348	4,782	3,677	434	336	2	0	0	0	0	41,188	174,194
Saratoga	36,092	68,728	6,466	1,973	325	578	46	0	0	0	0	35,528	149,734
Schenectady	34,721	29,925	4,039	2,863	588	290	3	0	0	0	0	22,611	95,044
Schoharie	5,088	7,953	905	331	62	88	5	0	0	0	0	4,549	18,987
Schuyler	3,824	5,710	549	212	75	108	136	0	0	0	0	2,894	13,504
Seneca	6,429	8,731	670	452	86	81	5	0	0	0	0	3,993	20,444
St.Lawrence	22,413	23,974	2,524	700	177	217	6	0	0	0	0	11,982	61,994
Steuben	14,676	31,131	2,020	767	187	186	13	0	0	0	0	9,167	58,144
Suffolk	277,380	332,003	29,367	20,765	3,211	2,230	130	0	0	4	0	241,713	906,804
Sullivan	23,629	17,720	1,894	1,198	171	263	5	0	0	0	0	15,481	60,367
Tioga	9,166	16,229	1,390	376	118	139	6	0	0	0	0	6,555	33,974
Tompkins	26,990	16,372	2,079	374	201	1,141	39	0	0	0	0	14,681	61,874
Ulster	39,151	34,257	4,345	2,670	434	1,257	31	0	0	0	0	39,242	121,384
Warren	9,977	21,944	1,825	568	129	220	7	0	0	0	0	8,177	42,844
Washington	8,865	17,532	1,719	567	147	156	2	0	0	0	0	7,945	36,934
Wayne	13,938	24,971	2,288	1,370	202	159	7	0	0	0	0	13,941	56,874
Westchester	266,272	166,147	19,419	10,869	1,553	1,290	0	0	0	0	0	145,679	611,224
Wyoming	6,675	12,338	960	473	83	54	0	0	0	0	0	5,308	25,897



NYSVoter Enrollment Statistics

April 1, 2007

Region OUTSIDE NEW YORK CITY		Democratic	Republican Independence	Conservative	Working Families	Green Libertarian	Rent Socialists Workers Party	Blank	Total
County									
Yates	3,471	7,377	508	220	53	46	1	2,378	14,054
Region Total:	2,525,339	2,509,443	247,681	128,391	23,110	22,911	1,100	1,605,170	7,063,141
Region NEW YORK CITY		Democratic	Republican Independence	Conservative	Working Families	Green Libertarian	Rent Socialists Workers Party	Blank	Total
County									
Bronx	485,077	49,263	12,404	3,489	2,452	478	7	93,040	646,210
Kings	884,291	123,695	24,034	4,782	4,183	3,446	57	210,416	1,254,904
New York	893,014	114,756	26,293	2,089	1,784	3,197	72	184,780	1,025,941
Queens	620,565	140,684	19,923	6,235	2,573	1,527	14	188,013	979,534
Richmond	112,657	77,544	6,512	4,191	908	339	7	50,142	252,300
Region Total:	2,795,604	505,942	89,166	20,766	11,880	8,987	157	726,391	4,158,891
Statewide Total:	5,320,943	3,015,385	336,847	149,157	34,990	31,898	1,257	2,331,561	11,222,041



Tony Buckley/FEC/US
09/21/2007 07:20 AM

To Ron Katwan/FEC/US@FEC, Merita Johnson/FEC/US@FEC
cc
bcc
Subject Fw: Advisory Opinion Request - Independence Party of New York (IPNY)

FYI

----- Forwarded by Tony Buckley/FEC/US on 09/21/2007 07:21 AM -----



"A. Joshua Ehrlich"
<ajoshe@gmail.com>
09/20/2007 06:17 PM

To tbuckley@fec.gov
cc
Subject Re: Advisory Opinion Request - Independence Party of New York (IPNY)

I am always troubled when things look too easy. I am attaching to this email the Independence Party of New York By-Laws, properly filed with the New York State Board of Elections, the Board of Elections in the City of New York and all other 57 County Board of Elections. I note that we have had By-Laws filed since 1995 with the various Boards. Under Section 6-104 of the New York State Election Law, the State Committee of a party designates (which means we put on the ballot) all state-wide offices, including U.S. Senator (last year being Senator Hillary Clinton) and all of the Electors for President. My clients have placed Electors for President and nominated U.S. Senators since 1996. The Electors do not run in a primary, they are nominated directly by the State Committee. I will not get into more New York Election Law on public offices such as Congress, as it would just confuse the issue. Suffice it to say, the State Committee of this Party has a large say in who is on the ballot for any office.

I look forward to discussing what else the Commission will need in my responsive letter.

On 9/20/07, ajoshe@gmail.com <ajoshe@gmail.com> wrote:

Thank you

Sent from my BlackBerry® wireless handheld

-----Original Message-----

From: tbuckley@fec.gov

Date: Thu, 20 Sep 2007 15:26:24

To: ajoshe@gmail.com

Cc: RKatwan@fec.gov, mjohnson@fec.gov

Subject: Advisory Opinion Request - Independence Party of New York (IPNY)

Mr. Ehrlich -

Attached are the documents discussed in the phone conversation today with you, Ron Katwan, and me. These documents include:

- 1) the Statement of Organization filed with the Commission by the IPNY;
- 2) the Request for Additional Information (RAI) from the Commission's Reports Analysis Division to the IPNY;
- 3) Advisory Opinion 2002-10 (referenced in the RAI); and
- 4) Advisory Opinion 2000-27 (which addresses a situation similar to that of the IPNY).

A review of these documents should clarify what additional information is required to complete the IPNY's advisory opinion request. If you have any questions, please feel free to call me at 202-694-1650.

Tony Buckley

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A. JOSHUA EHRLICH

*Attorney At Law
Capitol Station
P.O. Box 7273
Albany, NY 12224
518-334-1502*

October 12, 2007

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2007 OCT 15 P 2:24

Dear Sirs:

In furtherance of my September 18, 2007 request for an advisory opinion on behalf of the Independence Party of New York.

Attached you will find our State Rules and By-Laws on file with the New York State Board of Elections as well as the 58 local Boards of Elections. They have been filed pursuant to §2-114 of the New York State Election Law (copy of the law also attached) and they control the governance of the State Party.

Additionally, I have attached copies of sections 6-102 and 6-104 of the New York State Election Law showing that the State Committee directly nominates candidates to the State-wide ballot for Federal office. For the record, last year, 2006, the State Committee of the Independence Party of New York State nominated Senator Hilary Clinton of New York as its candidate for United States Senate.

Again, in summary, we function in the same manner as the Republicans and the Democrats in the State of New York and wish to have the same rights and privileges that they possess with their party accounts.

I can be contacted at the above address and phone number. I thank the Commission and Counsel's office for their time and consideration of this matter.

Sincerely,



A. Joshua Ehrlich, Esq.

RULES OF THE NEW YORK STATE COMMITTEE OF THE INDEPENDENCE PARTY

ARTICLE I ESTABLISHMENT OF RULES

The Independence Party, having attained party status as that term is defined under the New York Election Law on November 8, 1994 does hereby adopt the following Rules. The symbol appearing below shall be the official symbol of the party.



ARTICLE II MEMBERS OF STATE COMMITTEE

1. The unit of representation shall be by Assembly District. Members will be chosen from Assembly Districts subject to the following conditions:

- (a) Where Assembly Districts are coterminous with or contained within a county, they shall have two (2) members.
- (b) Where an Assembly District is made up of two (2) or more whole counties, each county shall have two (2) members.
- (c) Where an Assembly District is made up of parts of counties or a combination of a whole county or counties and part or parts of another county or counties, each county and part county unit shall have two (2) members.
- (d) Each member shall be an enrolled voter of the Independence Party within the unit from which each member is elected.
- (e) Representation from each unit shall be equal by sex.
- (f) In the first election after redistricting of assembly districts, a candidate for State Committee must only be an enrolled voter of the Independence Party and have been a resident of the county in which the unit from which he or she is running is located for a period of twelve months immediately preceding the election.

2. The officers of the State Committee shall be a Chairperson, five (5) Vice Chairpersons, a Secretary, a Treasurer, and seventeen (17) Members. Such officers shall constitute the State Executive Committee. Within three (3) days after election a certificate stating the names and post office address of such officers shall be filed as provided by law.

3. Members of the State Committee shall be elected at the fall primary elections in even-numbered years. Such members shall hold office until the election of their successors.

4. (a) In case of the death, disqualification, resignation, removal from district, or removal from office of a member of the State Committee, the vacancy created thereby shall be filled by majority weighted vote (in person or by proxy) of the remaining members of the State Committee residing in that county. Said vote shall occur at a meeting of said remaining members on seven (7) days notice by regular mail which notice shall be given by the first remaining State Committee member in the county who notifies the Secretary of the State Committee and receives confirmation from said Secretary that he or she is the first such person whose notice has been received by said Secretary. Said notice shall be mailed within five (5) days of such confirmation. A quorum for said meeting shall be the smallest number greater than fifty (50) percent of the remaining members present in person or by proxy. Should there be no remaining members; the vacancy shall continue until a new member is elected at the next regular election of the State Committee or until the vacancy is filled by the State Committee at a meeting of the State Committee.

(b) The State Committee shall have the power to fill vacancies created by the failure to designate and elect a candidate at the last election of State Committee members, and in the case of the death, disqualification, resignation, removal from district, failure to elect due to a tie at primary election, and in the case of removal from office of a member of the State Committee. Any such vacancies may be filled by a vote of the State Committee taken in accordance with Article V of these rules.

ARTICLE III STATE COMMITTEE MEETINGS

1. (a) The State Committee shall, within fourteen (14) days after its election, meet and organize by the election of officers and adoption of rules and for the transaction of such other business as may properly come before the meeting. Such meeting shall be held at the time and place set forth in the notice of meeting which meeting shall be called by the Secretary of the outgoing Committee.

(b) Notice of the time and place of the organizational meeting shall be served by mailing a notice of meeting to each candidate for State Committee membership not less than thirty (30) nor more than forty-five (45) days before such meeting. Such notice shall be directed to the address of each candidate as it appears on the petition filed at the Board of Elections.

2. (a) Meetings of the State Committee other than the organizational meeting, shall be held upon the call of the Chairperson, or in the case of vacancy in the office of the Chairperson, on the call of the Vice Chairperson.

(b) Upon written petition of forty (40) or more members of the Committee representing not less than twenty (20) counties, or of a majority of State Executive Committee members, filed jointly or separately in the office of the Secretary asking for a meeting of the Committee, it shall be the duty of the Secretary within ten (10) days after receipt of said petition to issue a call for the meeting of the Committee to be held within twenty-five (25) miles of the State Capitol in Albany, the date of such meeting to be not later than thirty (30) days, nor earlier than ten (10) days from the issuance of the call. In the event that the Secretary shall fail to call such meeting within ten (10) days after the filing of such petition, the meeting may be called by an alternate convenor who shall be a member named in the petition. The notice of meeting shall include any and all agenda items called for by the petition.

(c) Meeting of the State Executive Committee may be held by telephone with prior day notice of the Chairperson or any three (3) members thereof.

3. The foregoing notwithstanding, Regular Meetings of the State Committee shall be held three (3) times per year: one in the winter, one in the spring and one in the fall.

(a) Winter Meeting: The Winter Regular Meeting shall be held not earlier than two (2) days before Martin Luther King Jr. Day in January and not later than Presidents' Day in February.

(b) Spring Meeting: The Spring Regular Meeting shall be held not earlier than twenty (20) days before the first day to sign designating petitions for the primary election and not later than two (2) days before the first day to sign designating petitions for the primary election.

(c) Fall Meeting: The Fall Regular Meeting shall be held not earlier than four (4) days after the primary election and not later than fourteen (14) days after the primary election. In even-numbered years the Fall Regular Meeting shall be the organizational meeting.

4. Notice of the time and place of every meeting other than the organizational meeting shall be served by mailing a notice to each member not less than ten (10) nor more than thirty (30) days before such a meeting. Such notice shall be directed to the address of such member as it appears on the records of the State Committee.

ARTICLE IV STATE COMMITTEE QUORUM REQUIREMENTS

1. At all meetings of members of the State Committee, or the Executive committee, elected or appointed on a weighted vote basis there shall be present in person or represented by proxy, at least a majority of the members in order to constitute a quorum,

and for the purpose of determining whether a quorum is present, the officers of the Committee shall be considered as members of the Committee. If a quorum is not present, a lesser number may adjourn the meeting to some future time, not more than ten (10) days later.

2. At meetings of the State Committee, members may vote via proxy to the same effect as if present and voting in person. The use of proxies shall be limited as follows:

(a) Proxies shall be in writing, signed and dated, and expire at the close of the meeting for which issued. Facsimile and e-mail proxies shall be acceptable.

(b) Proxies shall be revocable at the pleasure of the person executing the proxy, either in person, by written notice to the Chairperson or Secretary, or by execution of a subsequent proxy.

(c) A proxy may direct how the holder shall vote it.

(d) A proxy holder must be a State Committee member, and shall not vote the proxy if the giver is present and chooses to vote.

(e) Proxies shall be non-transferable, except that they may list one or more contingent carriers, with only one of the carriers registering as the holder at any one time.

(f) In case of dispute as to the validity of any proxy, a Credentials Committee shall give its opinion as to the proxy's validity, at which time the whole State Committee, not including the disputed votes, shall decide the question, such question taking precedence over any other business.

ARTICLE V VOTING AT STATE COMMITTEE MEETINGS

1. State Committee Members representing each Unit of Representation as described in Article II shall cast the whole number of votes cast for Governor from the district or portion thereof which they represent on the line or column of the Independence Party in the last preceding general election.

2. Nominations for statewide office. Each member of the State Committee shall cast the number of votes cast for Governor from that portion of the state that he or she represents, on the line or column of the Independence Party in the last preceding general election. Voting by proxy at any meeting of members shall be valid. Proxies shall be in writing and revocable at the pleasure of the person executing the same. On any question, motion, nomination or election, a majority weighted whole vote of the members voting in person or by proxy shall carry such question, motion, nomination, or election.

**ARTICLE VI
CROSS ENDORSEMENTS
NOMINATIONS AND AUTHORIZATIONS FOR ELECTIONS
AND FILLING VACANCIES**

1. The nomination of a candidate for election to fill a vacancy in an elective office required to be filled at the next general election, occurring after the fifth Tuesday preceding a primary election, shall be made by the state executive Committee; provided, however, that if such elective office shall fall within a county which has elected an Independence Party county committee pursuant to the Election Law or formed an interim county organization pursuant to Article X of these rules, and if the rules of said county committee or interim county organization make provision for the filling of said vacancy, the vacancy shall be filled in accordance with that provision; and provided further that if such elective office shall fall within more than one county, each of which has elected an Independence Party county committee pursuant to the Election Law or formed an interim county organization pursuant to Article X of these rules, and if the rules of all of those county committees or interim county organizations include the same provisions for the filling of said vacancy, the vacancy shall be filled in accordance with that provision.

2. Nominations for public office to be filled at a special election shall be made by the state executive committee; provided, however, that if such elective office shall fall within a county which has elected an Independence Party county committee pursuant to the Election Law or formed an interim county organization pursuant to Article X of these rules, and if the rules of said county committee or interim county organization make provision for the filling of said vacancy, the vacancy shall be filled in accordance with that provision; and provided further that if such elective office shall fall within more than one county, each of which has elected an Independence Party county committee pursuant to the Election Law or formed an interim county organization pursuant to Article X of these rules, and if the rules of all of those county committees or interim county organizations include the same provisions for the filling of said vacancy, the vacancy shall be filled in accordance with that provision.

3. Vacancies in nomination made at a judicial district convention, or by the state committee or by the state executive committee, shall be filled by a committee appointed by such convention or state committee or state executive committee to nominate candidates to fill vacancies in nominations made by such convention or state committee or state executive committee, provided however, that in the event that such committee is not appointed or fails to act, the state executive committee may fill such vacancies.

4. In all cases where the Election Law allows a vacancy in a nomination to be filled by such committee as the rules of the party may provide, or in any other case of a nomination or designation, said vacancy shall be filled by the state executive committee; provided, however, that if such elective office shall fall within a county which has elected an Independence Party county committee pursuant to the Election Law or formed an interim county organization pursuant to Article X of these rules, and if the rules of said county committee or interim county organization make provision for the filling of said

vacancy, the vacancy shall be filled in accordance with that provision; and provided further that if such elective office shall fall within more than one county, each of which has elected an Independence Party county committee pursuant to the Election Law or formed an interim county organization pursuant to Article X of these rules, and if the rules of all of those county committees or interim county organizations include the same provisions for the filling of said vacancy, the vacancy shall be filled in accordance with that provision. In the event of any vacancy in a nomination or designation not provided for above, said vacancy shall be filled by the State Executive Committee.

5. An authorization provided for shall be signified by the filing of a certificate, signed and acknowledged by the presiding officer and the secretary of the meeting at which such authorization was given, authorizing such designation, nomination or substitution with the officer or board with whom or with which such designation or substitution is required to be filed.

6. Upon request of eight or more enrolled members of the Independence Party residing in a county where no county committee has been established pursuant to the Election Law and no interim county organization has been formed pursuant to Article X of these rules, the Executive Committee shall have discretion to issue a certificate of authorization to a candidate seeking election to federal, state legislative or county-wide office, the district of which does not include any part of any county where there is a county committee or an interim county organization.

7. In counties where no county committee has been established pursuant to the Election Law or no interim county organization has been formed pursuant to Article X of these rules, nominations for town office shall be made by petition at the primary election preceding the general election.

8. In counties where no county committee has been established pursuant to the Election Law or no interim county organization has been formed pursuant to Article X of these rules, nominations for village office may be made by caucus, if an enrolled voter of the Independence Party residing within the village has been designated as village election chairperson. A village election chairperson may be designated by the State Chairperson of the Independence Party or the State Executive Committee or such other officer as may be appointed or designated for this purpose by the State Chairperson or State Executive Committee.

9. In all primary elections to nominate Independence Party candidates for the public offices of President and Vice President of the United States, United States Senator and Governor, Lt. Governor, Comptroller and Attorney General of the State of New York, those eligible to vote shall include enrolled members of the Independence Party and those who are registered to vote without party enrollment.

10. Districts which cross county lines:

(a) Nominations and authorizations by county committees and interim county organizations for public offices the districts of which cover more than one county, shall be determined in accordance with Articles VI and X of these rules provided that each such county which has made a determination regarding such nomination or authorization shall cast a vote equal to the number of votes cast for Governor in the portion of the district within that county on the line of the Independence Party in the last preceding general election.

(b) It shall not be necessary for there to be a joint meeting of the counties in question, and the certificate of authorization shall be issued by the authorized body in the county with the largest weighted vote which voted for the candidate to whom a certificate is to be issued under (a) above.

(c) Notwithstanding the foregoing, in the case of designation or nomination to an office to be filled by all the voters of the City of New York, authorizations shall be made in the following manner:

(i) A joint meeting of the Executive Committees of the county committees and interim county organizations, if any, within the City of New York shall be called by the State Chairperson or by some person designated by the State Chairperson or, if the State Chairperson should fail to act by the first day for petitioning or should fail to set the time of said meeting for before the tenth day after the first day for petitioning for said office, by any County Chairperson within the City of New York.

(ii) A quorum to do business shall be at least two (2) County Executive Committee members from each county within the city that has a county committee or interim county organization, or at least three (3) members each from three (3) or more counties that in the aggregate cast a majority of the votes cast for Governor within the City of New York on the Independence Party line or column in the last preceding election for Governor.

(iii) The representative or representatives of each county present at such meeting shall cast votes equal, in the aggregate, to the votes cast for Governor on the Independence Party line or column in the last preceding election for Governor in the respective county, said votes being divided evenly among all representatives present from the respective county. A majority of said vote shall be required to authorize the candidacy of any person who is not a member of the Independence Party.

(iv) Representation by proxy shall not be permitted at said meeting.

(v) The certificates of authorization shall be signed and acknowledged by the presiding officer and secretary of said meeting.

ARTICLE VII ADDITIONAL RULES

Robert's Rules of Order Newly Revised shall govern in all meetings of the State Committee and Executive Committee insofar as they are applicable and not inconsistent with these rules.

**ARTICLE VIII
[RESERVED]**

**ARTICLE IX
PARTY FUNDS IN PRIMARY ELECTIONS**

Notwithstanding the prohibition of section 2-126 of the Election Law which precludes political party committees from spending funds for a candidate in a contested primary election the State Committee declares for itself and each county committee and subordinate committee of the Independence Party in the state that such committees may support candidates in contested primary elections consistent with the constitutionally protected rights of the Independence Party in New York to Freedom of Speech and Freedom of Association.

**ARTICLE X
COUNTY ORGANIZATION**

1. Definitions:

(a) As used herein and throughout these rules, the term "interim county organization" shall mean the body responsible for representing the Independence Party and carrying out the functions and exercising the authority delegated to "county committees" under these rules and the Election Law. An interim county organization shall be considered a committee of the State Committee under Section 2-110 of the Election Law.

(b) As used herein and throughout these rules, the term "county committee" shall mean a body constituted and organized pursuant to Article 2 of the Election Law.

2. Interim county organizations: Until such time as a county committee is constituted and organized the elected State Committee members in each county shall be the interim county organization.

(a) Said interim county organization is hereby delegated and shall exercise the authority and carry out the functions of a county committee (including the execution and filing of documents pursuant to Article 6 of the Election Law) in accordance with the following.

(b) The elected State Committee members in each county shall hold an initial organizational meeting and, by weighted vote consistent with Article V of these rules:

(i) elect a Chairperson, Secretary and Treasurer, each of whom shall be a separate person and an enrolled member of the Independence Party residing in that county, and shall be present at the initial organizational meeting.

(ii) adopt rules governing future voting (which shall be by one person-one vote or by weighted vote consistent with Article V of these rules), the addition of members to the interim county organization and such other matters as are necessary to the work of the interim county organization.

(iii) voting at the initial meeting may be by person or by proxy carried by an elected member of the State Committee from that county.

(c) Convening of initial organizational meeting shall be in accordance with the following:

(i) Any elected State Committee member wishing to call the initial organizational meeting must provide written notice of the initial organizational meeting to the Secretary of the State Committee.

(ii) The right to select the time and place of the initial organizational meeting shall be with the first State Committee member residing in the county whose written notice pursuant to (i) above is received by the Secretary of the State Committee.

(iii) The Secretary of the State Committee shall fax or mail confirmation of receipt of the written notice of the initial organizational meeting within four (4) days after receiving the notice.

(iv) The notice of the initial organizational meeting must be mailed by the person receiving the aforesaid confirmation within seven (7) days of receipt of said confirmation and must give no less than seven (7) days, nor more than twenty (20) days, notice of said meeting.

(d) the Secretary elected at the initial meeting shall within five (5) days thereafter file with the Secretary of the State Committee an affidavit certifying that the initial organizational meeting was held pursuant to this Article, that officers were elected and that rules were adopted and shall append to said document the names and addresses of the elected officers and a copy of said rules.

(e) a quorum of the smallest number greater than fifty (50) percent of the county's State Committee members is required at the initial meeting in person or by proxy.

(f) the interim county organization shall be dissolved and the county be governed by section 4 below, if, as a result of death, disqualification, removal from district, or removal from office there are no remaining State Committee members in said county.

(g) The term of an interim county committee shall be until the next State Committee election, after which the county may organize a new interim county organization if a county committee has not been organized in accordance with (3) below.

(h) In case of dispute as to the validity of any purported interim county organization, which is a subcommittee of the State Committee, the matter shall be decided by the State Executive Committee which decision shall take effect immediately. It must, however, be accepted, modified or rejected by majority vote of the State Committee at its next regular meeting or at a special meeting called for that purpose.

3. County Committees: The following shall govern the conduct of the organizational meeting of a county committee (other than county committees which have already organized and adopted rules) held pursuant to Sec. 2-112 of the Election Law.

(a) A quorum of the County Committee's organizational meeting shall be the smallest number greater than 50% of the elected members of the county committee.

(b) For purposes of establishing a quorum at the organizational meeting, the votes of the elected members of the County Committee present or present by proxy held by an elected member of the County Committee shall be counted.

(c) Voting at a County Committee's organizational meeting shall be either by:

(i) elected members of the County Committee personally present, or

(ii) elected members of the County Committee present by proxy held by an elected member of the County Committee.

(iii) proxies may not be held or voted at the organizational meeting by individuals not elected to the County Committee

4. [Reserved]

5. Miscellaneous:

(a) All powers delegated to or exercised by any person appointed by the State Executive Committee to the position of "County Chairperson" pursuant to the previous Article XV of these rules shall be null and void and any person so appointed shall no longer occupy said position.

(b) The provisions of this article shall override any provisions to the contrary in Article VI of these rules.

ARTICLE XI JUDICIAL DISTRICT CONVENTIONS

1. (a) The judicial district convention for the nomination of party candidates for the office of Justice of the Supreme Court in the 3rd, 4th, 5th, 6th, 9th, and 10th Judicial Districts shall be constituted by the election of one delegate and one alternate delegate from each assembly district in the judicial district for each two thousand (2000) votes or major fraction thereof cast in such assembly district or portion, for the party candidate for Governor under the party emblem in the last preceding gubernatorial election. The judicial district convention for the nomination of party candidates for the office of Justice of the Supreme Court in the 1st, 2nd, 11th, and 12th Judicial Districts shall be constituted by the election of one delegate and one alternate delegate from each assembly district in the judicial district for each seven hundred fifty (750) votes or major fraction thereof cast in such assembly district or portion, for the party candidate for Governor under the party emblem in the last preceding gubernatorial election. The judicial district convention for the nomination of party candidates for the office of Justice of the Supreme Court in the 8th Judicial District shall be constituted by the election of one delegate and one alternate delegate for each three thousand (3000) votes or major fraction thereof cast in such assembly district or portion, for the party candidate for Governor under the party emblem in the last preceding gubernatorial election. The judicial district convention for the nomination of party candidates for the office of Justice of the Supreme Court in the 7th Judicial District shall be constituted by the election of one delegate and one alternate delegate for each five thousand (5000) votes or major fraction thereof cast in such assembly district or portion, for the party candidate for Governor under the party emblem in the last preceding gubernatorial election.

(b) In no event, however, shall any assembly district in any judicial district be entitled to less than one delegate and one alternate.

(c) If, by reason of a change in the boundaries of assembly districts after an election for governor, the exact vote at such election in the territory consisting the altered district is not ascertainable, such vote for purposes of this section shall be estimated.

2. The state executive committee shall fix the time and the place of the meeting of the judicial district conventions.

3. The call for any judicial district convention shall be issued by the state executive committee or the state chairman.

4. The quorum at any judicial district convention of the Independence Party shall be a majority of the total number of delegates or respective alternates elected to serve at that convention pursuant to Section 1 of this Article. All nominations at any convention shall be made by a majority of the delegates present and voting and, if a majority of the delegates present and voting shall vote not to nominate any candidate to fill a vacancy, then no candidate shall be nominated to fill that vacancy.

ARTICLE XII REMOVAL AND RECALL

1. Except as may be otherwise provided by law, a member or officer of the State Committee may be removed by the Committee for disloyalty to the party or corruption in office, after notice and a hearing upon written charges, to be heard by the committee or a sub-committee appointed for that purpose, which shall report the findings to the full committee.

2. One or more officers of the State Committee or members of the State Executive Committee may also be removed by way of recall as follows:

(a) At any meeting of the State Committee for which notice of intent to recall has been mailed to each State Committee member at least ten (10) days prior to the meeting (such notice to be given by any member of the State Committee), a recall against specified officers of the State Committee or members of the State Executive Committee may be initiated by a vote of one half weighted pursuant to Article V.

(b) Any officers of the State Committee or members of the State Executive Committee against whom recall has been initiated may be removed from office by a vote of not less than fifty-five (55) percent at the same meeting of the State Committee weighted pursuant to Article V.

(c) A new election for the officers or membership positions vacated by recall shall take place thereafter at the same meeting of the State Committee by the same voting procedure by which said offices or positions of membership were previously filled.

(d) Recall may also be initiated by a petition calling for a State Committee meeting.

ARTICLE XIII EXCLUSIVITY

These rules shall be the exclusive rules of the State Committee of the Independence Party of New York. No other rules shall be effective unless approved in writing by the State Committee.

ARTICLE XIV SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of these rules or any amendment thereto shall be adjudged to be invalid or otherwise rendered inoperative by any court of competent jurisdiction, such judgment or other judicial action shall not affect, impair, invalidate or render inoperative the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment or other judicial action shall have been rendered or taken.

- These are the rules as amended at the State Committee meeting on September 25, 2004. The only change is to Article II, Section 2, changing the number of Executive Committee Members from 15 to 17.
- The official rules are filed with the Board of Elections as the rules of February 11, 2001 plus the amendments of October 6, 2001, February 2, 2002, May 19, 2002, September 22, 2002, February 1, 2003, May 17, 2003 and September 25, 2004. This version combines the February 2001 rules with those seven amendments.

Go to the archived old rules in effect May 2003 - September 2004.

Go to the archived old rules in effect February 2003 - May 2003.

Go to the archived old rules in effect September 2002 - February 2003.

Go to the archived old rules in effect May 2002 - September 2002.

Go to the archived old rules in effect February 2002 - May 2002.

Go to the archived old rules in effect October 2001 - February 2002.

Go to the archived old rules in effect February 2001 - October 2001.

Go to the archived old rules in effect September 2000 - February 2001.

Go to the archived old rules in effect June 1999 - September 2000.

Return to Independence Party of New York home page.

THE ELECTION LAW

ARTICLE 6

DESIGNATION AND NOMINATION OF CANDIDATES

- Title I. Village Elections
- II. Village Elections

TITLE I

- 6-100. Nominations and designations; generally.
- 6-102. Party nominations; electors, presidential.
- 6-104. Party designation; statewide office.
- 6-106. Party nominations; justice of the supreme court.
- 6-108. Party nominations; townships.
- 6-110. Party nominations; public office.
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- 6-152. disqualification, unfilled at time of general or special election.
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- 6-156. Nominations and designations; objections to.
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- 6-162. Primaries.
- 6-164. Primary; New York City, run-off.
- 6-166. Primary, uncontested; opportunity to ballot.
- 6-168. Primary; opportunity to ballot, form of petition.
- 6-168. Designating petitions; candidates for the office of judge of the civil court of the city of New York.

§ 6-100. Nominations and designations; generally.

Nomination and designation of candidates for election to public office or party position are governed by this article.

§ 6-102. Party nominations; electors, presidential.

Party nominations of candidates for the office of elector of president and vice president of the United States, one for each congressional district and two at large, shall be made by the state committee.

§ 6-104. Party designation; statewide office.

1. Party designation of a candidate for nomination for any office to be filled by the voters of the entire state shall be made by the state committee.

2. The state committee shall make a decision by majority vote. The person receiving the majority vote shall be the party's designated candidate for nomination, and all other persons who shall have received twenty-five percent or more of the vote cast on any ballot shall have the right to make written demand, duly acknowledged, to the state board of elections that their names appear on the primary ballot as candidates for such nomination. Such demand shall be made not later than seven days after such meeting and may be withdrawn in the same manner within fourteen days after such meeting.

3. In the absence of a party rule forming and designating the members of a committee to fill any vacancy in designations which may occur after the state committee has adjourned its meeting and before the primary election, the state committee shall also enact a resolution forming such a committee and selecting the members of same.

4. Upon the vote for such designation, each member of the state committee shall be entitled to cast a number of votes which shall be in accordance with the ratio which the number of votes cast for the party candidate for governor on the line or column of the party at the last preceding general state election in the unit of representation of such member bears to the total vote cast on such line or column at such election for such candidate in the entire state. The apportionment of such votes as so prescribed shall be determined by the rules of the party.

5. Enrolled members of the party may make other designations by petition for a member of the same party.

6. The meeting of the state committee for the purpose of designating candidates shall be held not earlier than twenty-one days before the first day to sign designating petitions and not later than the first day to sign designating petitions for the primary election.

7. Within four days after such meeting, the state committee shall file with the state board of elections.

(a) The names of persons who have received the designation of the state committee and the offices for which designated, and the name of each person who received twenty-five percent or more, of the vote on any ballot and the offices for which they received such vote.

(b) The names of the persons selected as the committee to fill vacancies or a certified copy of the party rule forming and empowering such a committee to fill vacancies.

8. No person may be designated by a state committee for more than one state-wide office pursuant to the provisions of this section.

§ 6-106. Party nominations; justice of the supreme court.

Party nominations for the office of justice of the supreme court shall be made by the judicial district convention.

§ 6-108. Party nominations; towns.

1. In any town in a county having a population of over seven hundred fifty thousand inhabitants, as shown by the latest federal decennial or special population census, party nominations of candidates for town offices shall be made at the primary preceding the election. In any other town, nominations of candidates for

...shall be made by caucus or primary election as the rules of the county committee shall provide, except that the members of the county committee may adopt by a two-thirds vote a rule providing that the party candidate for town offices shall be nominated at the primary election. If a rule adopted by a town provides that party candidates for town offices, shall be nominated by caucus or primary election, such rule shall not apply to nor affect a primary held in a town. After the filing of such a rule, the rule shall continue in force for a period of one year, unless a subsequent primary. Such a caucus shall be held within four months before a subsequent primary. Such a caucus shall be held within the first day on which designating petitions for the fall primary election may be signed.

2. In the event that there is no town committee with a chairman, the chairman of the county committee or such other person or body as the rules of the county committee may provide, shall designate an enrolled member of the party who is a qualified voter of such town as the town caucus chairman to convene such a caucus and give notice thereof.

3. Notice of any party caucus held for making party nominations of candidates for town offices shall be given by proper party authorities by posting notices in the public areas at the offices of the town clerk and the board of elections. A copy of such notice with such clerk and such board at least ten days before the day of the caucus and, either by newspaper publication thereat or by posting in ten public places in the town at least ten days prior to the caucus. The notice shall specify the time and place or places of the caucus. There shall be a chairman and secretary, and the purpose of the caucus. There shall be a chairman and secretary, and they shall take the constitutional oath before acting. No person shall participate in such a caucus for the nomination of candidates for town offices, unless he shall appear as an enrolled party member in the registration poll ledger. Town committee shall be held at the expense of the party. Subject to the foregoing provisions, the county committee of the county containing a town shall prescribe rules governing the conduct of party caucuses described in this section.

§ 6-110. Party nominations; public office.

All other party nominations of candidates for offices to be filled at election, except as provided for herein, shall be made at the primary election.